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SCRIBES AND PHARISEES

By FREDA UTLEY

ONE OF THE MOST CURIOUS paradoxes of our time is the propensity of the "liberal" mind to strain at gnats while swallowing camels whole with relish. Thus we find that the very same columnists and commentators, professors and politicians, who denounce the "methods" used by McCarthy in exposing and rooting out Communists in government, failed to utter a word of protest when "confessions" were obtained from German prisoners of war and civilians by means as forceful as those used upon American prisoners in Korea to compel them to admit to "war crimes."

Similarly, those who protest most loudly at McCarthy's application of the principle of "guilt by association" to Americans and who have consorted with Communists and followed the party line, have regarded the whole German nation as collectively guilty because it submitted to the Nazi dictatorship.

Few, if any of them, denounced the Morgenthau plan, sponsored by President Roosevelt, which would have condemned millions of Germans to death by starvation, whether or not they bore any responsibility for Hitler's crimes. Liberals were successful, however, in drawing up and implementing our denazification decrees, which carried the principle of guilt by association to lengths never dreamed of by Senator McCarthy, by penalizing not only all Nazi party members, but also their families and all joiners of Nazi fronts. Some 12 million people, out of a total population of 17 million in the U. S. Zone, were affected by these decrees which deprived the widows and children of Nazis, and of officers above the rank of major, killed at the front, of their pensions; and confiscated the property of others guilty by remote association or family relationship. Far from demanding that guilt should be proved in the case of either the dead or the living, the Joint Chiefs of Staff Order No. 1067 instructed the occupation authorities to arrest all persons who had held "important" positions in the national and local civil administration (down to and including village mayors), and in industry, commerce, agriculture and finance.

"It may generally be assumed," said this Washington directive, "that in the absence of evidence to the contrary, any persons holding such positions are Nazis, or Nazi sympathizers." Thousands of businessmen and executives were arrested under this order and kept for months, or even years, in prison without trial. "Thus, in effect," as I wrote in *The High Cost of Vengeance* in 1949, "the United States adopted the Communist theory

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that 'capitalists' were *ipso facto* National Socialists, and as late as the fall of 1947 the United States Military Government was still holding in prison without trial men whose sole crime was that of having been the owners of industrial enterprises or executives of large corporations."

So great was the influence of Communist sympathizers and pseudo-liberals in America at this time that the U. S. Commander in Germany was also ordered to "take under his control all property, real and personal, owned or controlled . . . by all persons subject to arrest." To reverse the situation it was as if McCarthy had the wish and the power to imprison every socialist or "progressive" in America on the assumption that socialism and Communism are identical or at least so similar that it makes no difference.

Today the same people who were silent when we arrested whole categories of Germans, deprived them and their families of their property and denied them the right of trial by due process, weep crocodile tears for the victims of "McCarthyism" who take refuge behind the Fifth Amendment. These "victims" have nothing more to fear than the loss of their government jobs and possible indictments for perjury. Few of them are likely to have any difficulty because of their records, in securing other employment with some of the big foundations, or other "liberal" organizations and publications.

But the Germans whom we punished without any public hearing, or trial, and without any specific charge being leveled against them, experienced hunger, privation and misery together with their families. Far from expressing any sympathy for the victims of "victors' justice," our McLiberals were intent on keeping the hate fires burning for our defeated enemies, regardless not only of American concepts of justice and mercy, but also of the clear and present danger constituted by the Communists at home and abroad. It is therefore only too natural, and obvious, why they hate Senator McCarthy whose investigations threaten to expose the hollowness of their claim to be liberal (in the true sense of the word). Indeed, every age has its Pharisees.

Among the many "liberal" kettles, reproaching anti-Communist pots for not being specklessly clean, I choose here the outstanding example of "Brigadier General" Telford Taylor, who in attacking McCarthy, in a speech to the New York Young Democratic Club on January 19, said:

> "Witnesses have been intimidated to the point where the people don't know what charges are brought against them and what accusations are meaningless!"

To appreciate the "humor" of this remark, one must know that under General Taylor, who succeeded Justice Jackson as Chief Counsel for the U. S. prosecution at Nuremberg, members of the American prosecution staff used methods to intimidate witnesses which Senator McCarthy's greatest enemies have never accused him of employing against "Fifth Amendment Communists." It was proved in court, at the trial of Von Weiszacher, that General Telford Taylor's staff was using "evidence" against the accused obtained by

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the threat of handing over the prosecution's chief witness, Frederich Gauss, to the Soviet government, should he refuse to testify as required. Thanks to Warren Magee, a Washington attorney who went to Nuremberg to defend the former German State Secretary, the truly shocking record of the secret interrogation of Gauss, on March 6, 1947, was made available to the court. In that interrogation, an American prosecution staffer had first told Gauss that he was wanted by the Russians and had then said: "If I could save my head, I would commit any perjury. You must help us to clear matters up." The wretched Gauss abjectly begged, "Don't extradite me to Russia." He was then told, "Now you know our ways . . . get down to work and then we shall see."

At Nuremberg physical torture was not resorted to, and the U. S. judges appear to have endeavored, within the narrow limits prescribed for them by the controlling directives, to conduct fair hearings. But at Dachau, where the U. S. Army held its own "war criminal" trials, no holds were barred in the preliminary investigations, and the tribunals acted more like Soviet courts than American ones. These Army judges had been instructed by an Army order dated Nov. 30, 1945, that "the purpose of the proceedings in Military Government Courts" was "the advancement of the political, military and administrative objectives" of our occupation. It was therefore hardly surprising that the accused were not told the charges against them until they appeared in court, that the judges collaborated with the prosecution to suppress evidence favorable to the defense, and that no oral or written judgments were ever issued; even some of those condemned to death did not know the reason why.

One needs only to read the Simpson report, the hearings of the Senate Judiciary Committee in 1949, or the plea made to the Supreme Court by Colonel Everett of Atlanta, Georgia, (who was the United States defense attorney at the Dachau trial of the German soldiers accused of the Malmedy massacre), to realize that near-Communist methods were used by the Army investigators, prosecutors and judges. Some German enlisted men, many of whom were teen-agers in 1945, are today still sitting behind bars at Landsberg because they "confessed" to war crimes they never committed, after having been broken by months of starvation, beatings, or mental torture induced by threats against their families — methods similar to those used against Americans imprisoned in Korea by the Reds. Others were condemned on "evidence" supplied by intimidated witnesses who have since confessed that they perjured themselves. Some of the witnesses used at the other U. S. Army Dachau trials, have long since disappeared behind the Iron Curtain.

While there is no doubt that Nazis committed atrocious crimes against humanity, the tragedy is that many more of the innocent than the guilty have been punished because of the illegal methods of investigation and prosecution and lack of trial by due process.

In view of the above, it is today impossible to ascertain in the cases of many individuals we hanged, or among those who are still imprisoned today in the fortress of Lands-

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berg, those who were actually guilty; and which of them were, or are, innocent men and women condemned on perjured testimony, or because they incriminated themselves under duress. Yet, none of our McLiberal Scribes and Pharisees demands that America's cherished reputation for justice be restored in Germany, either by releasing our remaining prisoners, or by a thorough and unprejudiced re-examination of the evidence upon which they were convicted.

INSTEAD, they accuse McCarthy of sympathy for the Nazis because, back in 1949, he dared endeavor to secure justice for Germans. Senator Flanders the other day accused McCarthy of a "strange tenderness" toward Nazis. Various leftist publicists have claimed that Communist propaganda had prompted McCarthy to assert that Americans had tortured Nazi officers. Actually, most of the Malmedy men were neither Nazis nor officers, and McCarthy got his information from the U. S. defense counsel, Colonel Willis M. Everett, from German Catholic and Protestant Bishops and other unimpeachable sources. Moreover, far from helping Communist propaganda in Germany, the fact that a United States Senator dared to risk his political neck in order to see justice done in the Malmedy case helped restore confidence in America among the Germans.

We know now for certain what some of us have long suspected, namely that Communists, or Communist sympathizers, assumed roles in the travesty of justice played out at Dachau and at Nuremberg, where we collaborated with the Soviet judges to prevent the German defense attorneys from presenting evidence concerning Russian war crimes, such as the Katyn forest massacre. Two of the former investigators at Dachau were arrested in Vienna more than a year ago as Soviet spies.

Whether or not American Communists, or persons whose loyalty to the United States is at least questionable, were mainly responsible for the un-American proceedings at Dachau, it is undeniable that McCarthy's bitterest enemies are the same people who voiced no objection when German prisoners were condemned to death, or life imprisonment, on evidence far less substantial than McCarthy has produced against his "victims," who stand in no danger of any such severe penalties.

The Germans lucky enough to be released on parole, are told that they will be sent back to prison, should they ever speak, or write, about their experience at our hands. We shall probably have to wait till the Greek Kalends before any of McCarthy's "liberal" enemies protest against this curtailment of freedom of speech in the U. S. Zone of Germany; or become concerned over the fact that, while the witnesses upon whose testimony our prisoners were convicted admit that they perjured themselves, the sentences of the U. S. Army courts in Germany continue to be "final and conclusive."

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